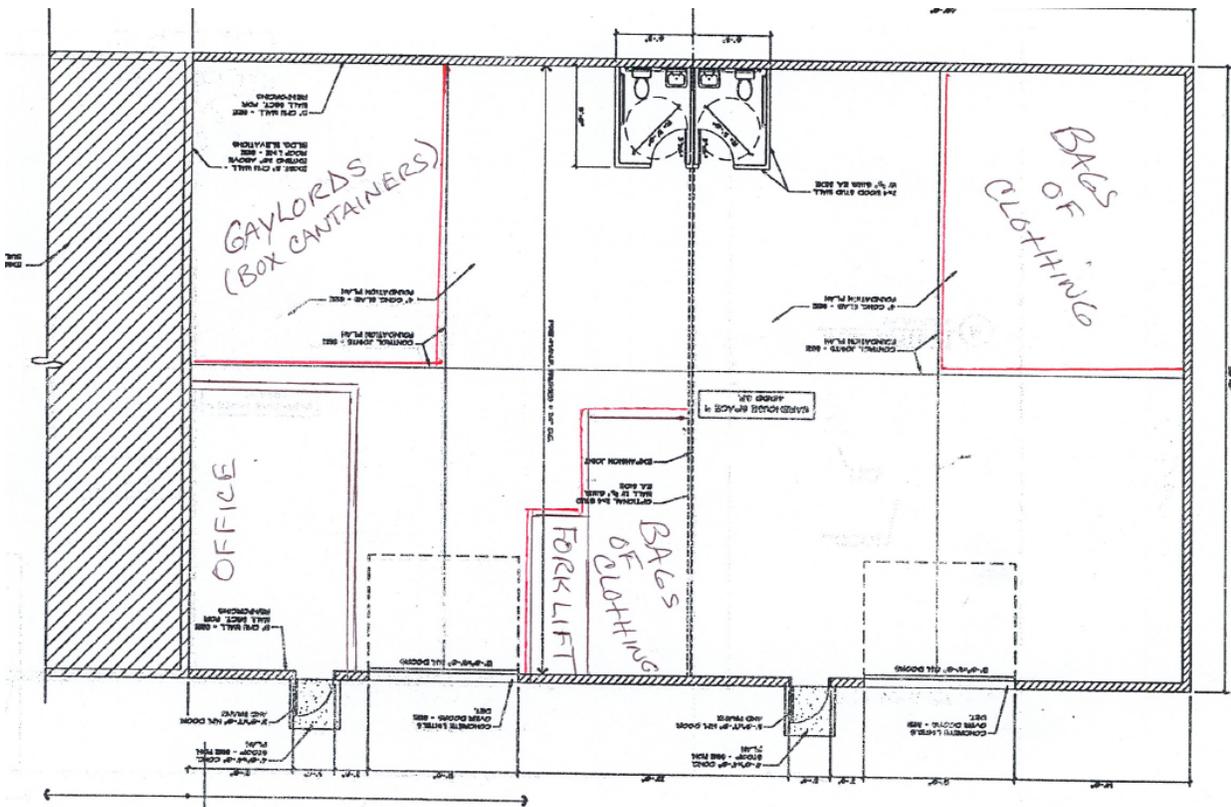


# CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714  
 ■planning@gardencityidaho.org ■www.gardencityidaho.org  
 ■Phone 208/472-2921

**CUPFY2019-1**  
**Conditional Use Permit**  
 For:  
**Use: Warehouse, Storage, and Wholesale**  
**Location: 206 W. 38<sup>th</sup> St. Units E & F, Garden City, Idaho**  
**Applicant: Lisa Cahill with The Arc Inc**



**Staff Contact: Chris Samples (208) 472-2922; [csamples@gardencityidaho.org](mailto:csamples@gardencityidaho.org)**

1 CUPFY2019-1: Title 8 use "Warehouse, Storage, and Wholesale" for The Arc Inc located at 206 W. 38<sup>th</sup> St. Units E & F

**City of Garden City**  
**Planning and Zoning Commission Staff**  
**Report**

**Recommendation:** Approval with conditions

**Project Description:**

**Planning and Zoning Commission Public Hearing Date:** Wednesday, February 20<sup>th</sup>, 2019, at 6:30 p.m.

**Application File Number:** CUPFY2019-1

**Applicant:** The applicant is The Arc Inc, represented by Lisa Cahill

**Location:** 206 W. 38<sup>th</sup> Street, Units E and F, Garden City, Idaho 83714; Ada County Parcel R2734511190

**Requested Use:** Warehouse and Storage, Wholesale

**Project Synopsis:** The applicant is requesting the use “Warehouse and Storage, Wholesale” to distribute donated property to retailers for the purpose of resale.

**Existing Conditions:**

- The subject property is .689 acres
- The project is in the C-2 Zoning District
- The project is located in the Mixed Use Commercial Comprehensive Plan Land Use Designation
- The subject property is located in flood zone X in the 2003 Flood Insurance Rate Map.
- Surrounding Uses: Warehouse, Service Provider, Residential
- Existing Use: Residential Uses consisting of two apartments and a single family home
- There are no records on file with Garden City of existing easements
- Access to the site is from W. 38<sup>th</sup> Street.
- The property does not have a sidewalk. There is an attached sidewalk in good repair adjacent to the site at 216 W. 38<sup>th</sup> Street. No other sidewalks are installed. The applicant has requested a waiver to the required sidewalk and landscape improvements.

**Standards for Review:** Standards for review of this application are as follows:

Standards	Staff Analysis
8-7A Definitions of Uses	Compliant as conditioned
8-2B-2 Allowed Uses	Pending decision of Commission
GCC 8-2C-45 Warehouse, Storage and Wholesale	Compliant as conditioned
Title 8 Chapter 4 Design and Development Regulations	Compliant as conditioned

2 CUPFY2019-1: Title 8 use “Warehouse, Storage, and Wholesale” for The Arc Inc located at 206 W. 38<sup>th</sup> St. Units E & F

<b>Comprehensive Plan Analysis</b>	Compliant as conditioned
<b>Other Plans and Approvals Analysis</b>	Not applicable
<b>Comments from Other Departments and Agencies</b>	Noted
<b>GCC 8-6B-2 Conditional Use</b>	Pending decision of Commission

**Staff Analysis:**

**8-7A Definitions of Uses: Compliant as conditioned**

**Warehouse:** The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.

The proposed use meets the scope of the definition.

**GCC 8-2B-2 Allowed Uses: Pending decision of Planning and Zoning Commission**

Service Provider is a conditionally permitted use in the General Commercial Zoning District.

**TABLE 8-2B-1 ALLOWED USES IN ALL BASE ZONING DISTRICTS**

<i>P = permitted use; C = conditional use; and a blank denotes the use is not allowed in that district</i>								
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-20</i>	<i>C-1</i>	<i>C-2</i>	<i>M</i>	<i>LI</i>
Warehouse, Storage and Wholesale*					C	C		C

**8-2C-45 Warehouse, Storage and Wholesale:**

Garden City Code 8-2C-45 sets certain limitations for the use “Warehouse, Storage and Wholesale” regardless of the location:

- Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.
- Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use

Outside activity areas associated with warehouses have been interpreted to mean the storage of materials outside and the loading and unloading of materials to outside areas instead of to the warehouse.

3 CUPFY2019-1: Title 8 use “Warehouse, Storage, and Wholesale” for The Arc Inc located at 206 W. 38<sup>th</sup> St. Units E & F

Conditions of approval are recommended requiring these standards for this application.

**Title 8 Chapter 4. Compliant as conditioned**

The proposal is not in compliance with the transportation and connectivity standards (Article E), fencing standards required for a change of use.

**Transportation and Connectivity Provisions: Compliant as conditioned**

At times there is overlap between design and use. Code requires that whenever a new use commences at a site, that the property be compliant with transportation and connectivity provisions. The property does not have a sidewalk installed. Sidewalk is installed adjacent to the property at 216 W. 38<sup>th</sup> Street, but is not installed on the other adjacent property.

**The Garden City Sidewalk Policy** notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees.

The applicant has requested a waiver to the requirements of the policy. According to the applicant's waiver, the location of three access points along the property and the existing grade of the property along the road would impact the health and safety of pedestrians and of disabled individuals. The applicant further indicates the building is 20' from the right of way, which the applicant alleges creates significant design and engineering challenges to installing the required sidewalk and landscaping.

The Ada County Highway District provided correspondence on February 11, 2019 stating "ACHD doesn't typically set improvement requirements in multitenant building unless the entire site is redeveloping. ACHD would not recommend the installation of sidewalk abutting your site frontage, as with the driveways in place it would provide little benefit and we would not want a small segment (1 sidewalk panel) in between the driveways as this would create ADA issues and safety issues for the traveling public. I asked our Traffic Service staff about the potential of painting a pedestrian pathway across your frontage and they did not recommend this either due to the existing driveways."

Pursuant to the Garden City Sidewalk Policy, the Commission can take the following portions of the policy into consideration when making a determination:

- *Facts, including costs, demonstrating that construction of a pathway or alternative pedestrian facility is more appropriate.*
- *The transportation authority is not requiring any improvements.*
- *The transportation authority has requested that improvements not be constructed.*
- *The only plausible location for the construction of a sidewalk would create an unsafe situation for the pedestrian or motorist due to the specific physical characteristics of the property.*

Based on the evidence provided in the waiver request and the correspondence from ACHD, a waiver of the required sidewalk and landscaping improvements appears warranted.

It should be noted that the waiver before the Commission is specifically for the proposed application and not intended as a waiver for all sidewalks on the property in perpetuity. Should the impediments noted by the applicant and ACHD be removed through redevelopment of the property or other means, sidewalks could be required if triggered by Garden City Code.

### ***Comprehensive Plan Analysis***      **Compliant with conditions**

In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for conditional use permits in Garden City is that the use is in compliance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed uses are not only required to be compatible with existing neighborhoods, but are also progressing the vision that the community has for those neighborhoods.

The proposed use is located in the Mixed Use Commercial Comprehensive Plan:

**MIXED USE COMMERCIAL:** The mixed use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

The proposed use contributes to this designation by contributing to the mix of uses on the site and within the area. The applicant has not proposed changing the structure, thereby not preventing more intensive development in the future.

The following Goals, Objectives, and Action Steps of the Comprehensive Plan apply to this proposal:

- ***Goal 7. Connect the City***
  - *7.1. Objective: Create pedestrian and bicycle friendly connections.*
  - *7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.*
- ***Goal 10. Plan for the Future***
  - *10.6 Objective: Continue to support commercial and industrial land uses.*

### ***Other Plans and Approvals Analysis***

Summarize other pertinent plans or approvals. See examples below:

No other plans or approvals have been reviewed in conjunction with this proposal.

### ***Comments from Other Departments and Agencies***

#### **Idaho Department of Environmental Quality**

Standard comments applied.

5 CUPFY2019-1: Title 8 use "Warehouse, Storage, and Wholesale" for The Arc Inc located at 206 W. 38<sup>th</sup> St. Units E & F

### ***Summary of Comments from Public***

There have been no written public comments received to date.

### **8-6B-2 D [Conditional Use] Required Findings**

In order to approve a conditional use permit the Planning and Zoning Commission must find:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

#### **Impacts to Finding 1: Conflict with Existing Uses**

According to the applicant's materials, there are residential uses on the property. The applicant has indicated there are two apartments within the existing building and a single family residence at the rear of the property. Limiting operating hours to those that allow reasonable residential use and limiting the scope of the proposed use can help the uses coexist. To accommodate the existing residential use, the following additional conditions of approval are recommended:

- Operating hours of the proposed warehouse use are limited to 7 am – 9 pm.
- The scope of the proposed warehouse use shall be limited to Suites E and F, as depicted in the applicant's site plan.

BEFORE THE PLANNING AND ZONING COMMISSION  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	CUPFY2019-1
	)	
Warehouse, Wholesale and Storage Conditional Use Permit 206 W. 38 <sup>th</sup> St. Units E & F	)	FINDINGS OF FACT, CONCLUSIONS OF LAW; AND DECISION
	)	
	)	
	)	

THIS MATTER, came before the Garden City Planning And Zoning Commission for consideration on February 20<sup>th</sup>, 2019. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The applicant is Lisa Cahill with The Arc, Inc.
2. The property owner of record is Sally O’Leary.
3. The application is for the use “Warehouse, Wholesale and Storage Use”.
4. The location of the project is 206 W. 38<sup>th</sup> St., Units E & F; Ada County Parcel R2734511190; Lot 8 Block H, Fairview Acres Sub No. 2.
5. The subject property is 0.689 acres.
6. The project is located in the Garden City C-2 General Commercial Zoning District.
7. The project is located in the Mixed Use Commercial Designation of the Garden City Comprehensive Plan Land Use Map.
8. The existing use on the site is: No documentation found on existing uses.
9. Current access to the site is from W. 38<sup>th</sup> Street.
10. There are no sidewalks along the property and a sidewalk adjacent to the property at 216 W. 38<sup>th</sup> Street.
11. The following sections of the Garden City Municipal Code apply to this proposal:

Standards	Compliant	Conclusions
<b>GCC 8-7A Definitions of Uses</b>	N/A	The definitions of uses that apply to this application are: Warehouse
<b>GCC 8-2B-2 Allowed Uses</b>	Yes	The use “Warehouse, Storage and Wholesale” requires a conditional use permit in the C-2 Zoning District.
<b>8-2C-45 Warehouse</b>	Yes	The use, as conditioned, meets the requirements of this section.
<b>Title 8 Chapter 4 Design and Development Regulations</b>	Yes	The use, as conditioned, meets the requirements of this section.
<b>GCC 8-6B-2 Conditional Use</b>	Yes	1. The use is appropriate to the location, the lot, and the neighborhood; 2. The use, as conditioned, is supported by adequate public facilities or services to the

		<p>surrounding area;</p> <p>3. The use, as conditioned, will not unreasonably diminish either the health, safety or welfare of the community; and</p> <p>4. The use, as conditioned, is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p>
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12. Other studies, plans or approvals reviewed include:

Garden City Comprehensive Plan	Yes	<p>The proposal is consistent with the Mixed Use Commercial designation of the Comprehensive Plan. It is also in conformance with Garden City Comprehensive Plan Goals and Objectives:</p> <p><b>Goal 7. Connect the City</b>  <i>7.1. Objective: Create pedestrian and bicycle friendly connections.</i>  <i>7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</i></p> <p><b>Goal 10. Plan for the Future</b>  <i>10.6 Objective: Continue to support commercial and industrial land uses.</i></p>
Garden City Planning And Zoning Commission Sidewalk Policy	Yes	<p>A waiver of the required sidewalk and landscaping improvements is granted due to unique site constraints on the property and recommendation from ACHD to not install the improvements.</p>
Comments from Other Departments and Agencies	Yes	<p>This approval includes a condition requiring compliance and approval from applicable agencies.</p>

13. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
- a. Idaho Department of Environmental Quality

14. The record contains:
- a. Application Materials
  - b. Site Plan

- c. Letter of Application Acceptance
  - d. Agency Review Transmittal
  - e. Radius Notice
  - f. Legal Advertisement in Idaho Statesman
  - g. Affidavit of property posting
  - h. Agency Comments
  - i. Staff report, and referenced materials
  - j. Public Comments
  - k. Planning and Zoning Commission Hearing Sign Up Sheet
  - l. Signed Findings of Fact, Conclusions of Law, and Decision
15. The application was received January 4, 2019. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.
  16. On January 10, 2019, a letter of acceptance with hearing date was sent to the applicant.
  17. A transmittal to other agencies including notice, application and other documents was sent on January 10, 2019 more than fifteen days prior to the public hearing.
  18. A legal public hearing notice for the proposed conditional use permit application was published on February 4, 2019.
  19. On January 10, 2019, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.
  20. A sign was posted on January 25, 2019, in accordance with Garden City Code for the public hearing of February 20, 2019.
  21. An affidavit of property posting was submitted on January 25, 2019 in accordance with Garden City Code.
  22. On February 20, 2019, at the Planning and Zoning Commission public hearing
    - a. The

#### **CONCLUSIONS OF LAW**

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application meets the standards of approval under **GCC 8-6B-2 Conditional Use**.

#### **DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES** of the application subject to the following conditions:

#### **Scope of Permit**

1. The scope of the proposed warehouse use shall be limited to Suites E and F, as depicted in the applicant's site plan.

#### **Waiver of the Garden City Sidewalk Policy**

2. The requirement of a detached sidewalk and detached landscape strip consisting of either six feet (6') of landscaping with root barrier or eight feet (8') of landscaping without root barrier is **waived** by the Commission.

### **Prior to Occupancy**

3. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.

### **Site Specific Requirements for the Duration of the Use**

4. Operating hours of the proposed warehouse use are limited to 7 am – 9 pm.
5. Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district. The loading and unloading of materials from a vehicle directly into the warehouse shall not be considered an outside activity area.
6. The storage of materials outdoors and the loading and unloading of materials to areas of the property other than Suites E and F is prohibited.
7. The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.

### **General Requirements**

1. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
5. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
6. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations.
7. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
8. The property owner is responsible to maintain the site to edge of roadway asphalt.
9. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

10. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
11. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
12. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
13. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
14. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
15. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
16. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
17. The landscape installation shall stabilize all soil and slopes.
18. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
23. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
24. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
25. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
26. Any violation of the conditions of this application is a criminal offence.
27. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
28. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
29. All previous uses are null and void unless otherwise conditioned.

30. This approval shall become null and void if a building permit or certificate of occupancy has not been issued within one year of the approval. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
31. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
32. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (15) days after the action of the decision.
33. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
34. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
35. A takings analysis pursuant to Idaho Code may be requested on final decisions.
36. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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Chairman, Planning and Zoning Commission

Date



EWAY

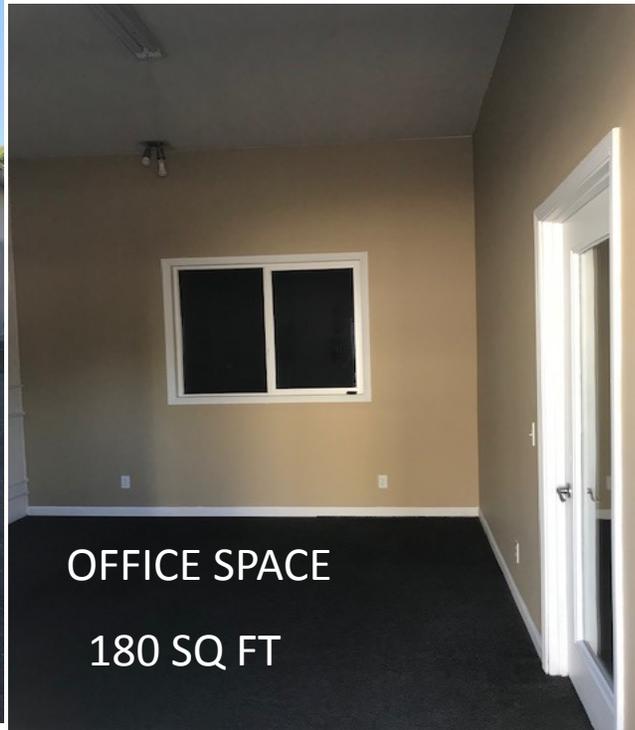
117

NO PARKING  
IN FRONT OF UNIT





1206 206 W 38TH, UNIT E  
GARDEN CITY, ID 83714



OFFICE SPACE  
180 SQ FT



SHOP SPACE  
1772 Q FT, LED LIGHTS



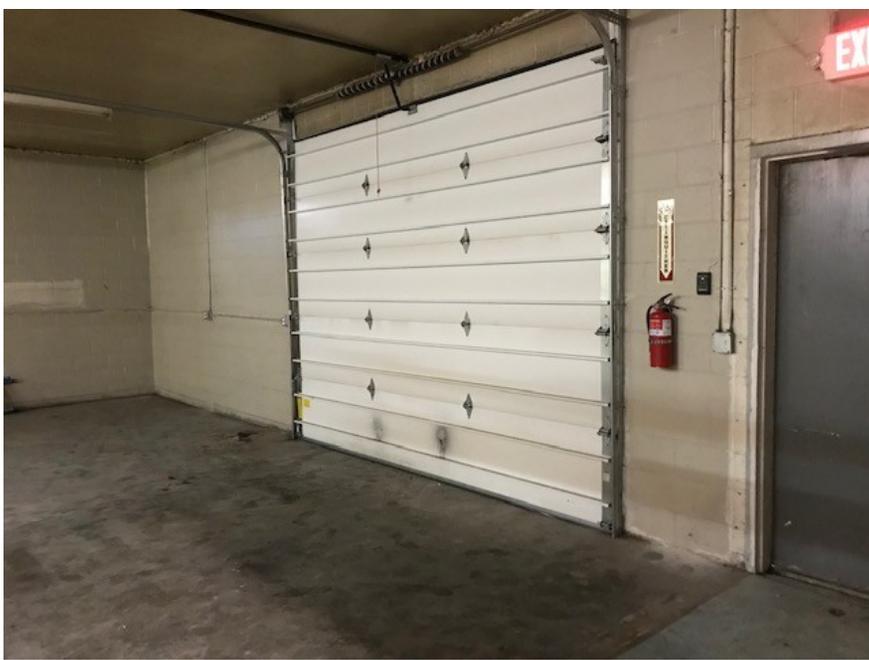
48 SQ FT,  
HANDICAP  
BATHROOM



GAS HEAT,  
110-220 V WALL PLUGS



GARAGE DOOR OPENER,  
10 ft CEILINGS  
No Pets, No Smoking



206 W. 38th  
UNIT F



1952 SQ FT of SHOP



48 SQ FT  
HANDICAP BATH

Sally and Dave O'Leary  
PO Box 9263  
Boise, ID 83707  
salndaveo@gmail.com  
208-509-9202

February 12, 2019

Garden City Planning Commission  
Garden City Hall  
6015 N. Glenwood

RE: Waiver request - Garden City's Sidewalk Policy for 206 W. 38<sup>th</sup>  
CUP FY2019-1, The ARC, Inc.

We hereby request a waiver of Garden City's Sidewalk Policy for the following reasons:

### **Existing Conditions**

The property is 100' wide and 300' deep. Our records indicate that the first phase of improvements were constructed in 1986 under Garden City's standards of the day. Units E and F, the subject of this application were added in 1995. An existing house had been built on the back of the property at some prior date. Uses that were established in 1986 include two 2<sup>nd</sup> studio apartments on the front of the building, each over a first story, double car garage. An additional 4 commercial / light industrial units were built behind the apartments, 2 in 1986 and 2 in 1995. The commercial units along with the original house at the rear are accessed via a driveway stretching from the front to the back of the property.

### **Design Problems**

If this building were being built today, it would probably be designed with a single access point. However, it is not feasible to establish a single access point today. There are 3 existing driveways, each accessing the street at 90 degrees. Two of the driveways link to garage doors only 20' from the right of way. With one access point, two of the users would have to turn 90 degrees onto the property, drive laterally across the frontage then turn another 90 degrees to access the garage or driveway. This is not practical as most cars today are 15' to 18' long and are physically unable to perform this maneuver.

Assuming we install sidewalks, allowing for current standards, 3 curb cuts would be required across the 100' of lot frontage, for reasons explained above. Curb cuts require slopes on both sides, where the driveway "cuts" through the sidewalk. In our case, with three cuts, the up and down changes would be an impediment to pedestrian travel, including access for disabled people. Existing pavement across the property actually provides better access for everyone, building occupants, pedestrians and the disabled included.

In preparing for this hearing, we met with Mindy Wallace AICP, Planner III for the Ada County Highway District (ACHD). She indicated that ACHD would prefer that the existing driveways be left as is. She expressed concern that installation of traditional curb cuts would violate the Federal Americans with Disabilities Act. She also advised us as to ACHD's permitting process, which is explained below.



## Notice

In 2017, shortly after buying this property, and assuming management responsibilities, we met with Garden City staff to inquire about the land use rules. Based on our notes from the meeting, 6 staff members were in attendance. These included two planners, plus reps from building, fire, code enforcement and environmental. We asked about the requirement for building sidewalks. We were told that those requirements would be triggered if we added onto the building or made other changes amounting to at least 25% of the existing value. We asked about changes in tenancy. We were told that new tenants would need an occupancy permit. No one mentioned that a sidewalk would be required as a precondition to an occupancy permit.

On the basis of that meeting, we repainted portions the building, installed new lighting, and caught up on decades of deferred maintenance. We advertised for a new tenant.

We signed a contract with The ARC, Inc. Their mission is to create life opportunities for people with intellectual and developmental disabilities. They collect donated clothing and sell it to Savers Thrift stores in the community. This is their only source of significant fundraising. They need the space to facilitate their mission.

The ARC, Inc. made their initial occupancy application on December 13, 2018. Seven weeks later, on Feb 4, 2019, we received a draft staff report. It was then that we learned that the information we received early on was incorrect. Staff now informs us that a sidewalk is required as a pre-condition to occupancy.

According to our research, construction in the right of way requires a permit from the Ada County Highway District. Technical requirements commonly include:

1. Figuring out what design to submit. (i.e. deciding on the number of curb cuts; resolving differing standards between Garden City, ACHC, and the Americans with Disabilities Act; identifying storm system requirements; surveying slopes of the existing street; etc.)
2. Finding and hiring a civil engineer to design the sidewalk
3. Submitting designs to ACHD
4. Waiting up to 6 weeks for the first review
5. Re-designing in case the initial designs have errors
6. Waiting an additional 6 weeks for a 2<sup>nd</sup> review
7. Securing the permit
8. Finding a contractor to do the work
9. Scheduling the work
10. Securing inspections of the completed work

These steps will not be easily accomplished This is a small job. There is an abundance of work now available to engineering and construction businesses, most of whom work with regular customers. This process could easily take 6 months or more. This is an unreasonable time to wait given that we were initially told that this work would be required as a condition related to adding 25% or more to the existing value through a remodeling or expansion process.

Based on these facts, we request a waiver of the requirement that we install sidewalks on this property as a condition of occupancy and a Conditional Use Permit.

Sincerely,

Sally and Dave O'Leary

Cc: Mary Katayama  
Chris Samples  
Lisa Cahill

**From:** [Mindy Wallace](#)  
**To:** [salndaveo@gmail.com](mailto:salndaveo@gmail.com)  
**Cc:** [Christian Samples](#)  
**Subject:** 206 W. 38th Street - The ARC  
**Date:** Monday, February 11, 2019 2:38:41 PM

---

Mr. and Mrs. O'Leary,

Thank you for stopping into ACHD last Friday to discuss possible frontage improvement as part of a tenant improvement/conditional use permit application for The ARC with the City of Garden City. As I explained, ACHD doesn't typically set improvement requirements in multitenant building unless the entire site is redeveloping. ACHD would not recommend the installation of sidewalk abutting your site frontage, as with the driveways in place it would provide little benefit and we would not want a small segment (1 sidewalk panel) in between the driveways as this would create ADA issues and safety issues for the traveling public. I asked our Traffic Service staff about the potential of painting a pedestrian pathway across your frontage and they did not recommend this either due to the existing driveways.

Please let me know if you have any other questions.

Mindy

Mindy Wallace, AICP  
Planner III  
Ada County Highway District  
208-387-6178

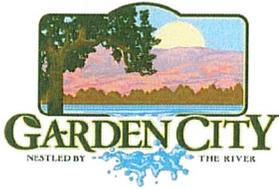
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**Total Control Panel**

[Login](#)

To: [Remove](#) this sender from my allow list  
[csamples@gardencityidaho.org](mailto:csamples@gardencityidaho.org)  
From:  
mwallace@achdidaho.org

*You received this message because the sender is on your allow list.*



## CONDITIONAL USE PERMIT

Permit info: CUPFY2019-1  
 Application Date: 1/4/19 Rec'd by: MK  
 FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921  
 ▪ [www.gardencityidaho.org](http://www.gardencityidaho.org) ▪ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

APPLICANT	PROPERTY OWNER
Name: <u>Lisa Cahill</u>	Name: <u>Sally A. O'Leary</u>
Company: <u>The ARC, INC</u>	Company:
Address: <u>4402 ALBION ST</u>	Address: <u>6061 W. Tonkin DR.</u>
City: <u>BOISE</u>	City: <u>Boise</u>
State: <u>ID</u> Zip: <u>83705</u>	State: <u>ID</u> Zip: <u>83704</u>
Tel.: <u>208-422-1748</u>	Tel.: <u>208-509-9202</u>
E-mail: <u>lcahill@thearcinc.org</u>	E-mail: <u>salndaveo@gmail.com</u>

### PROPERTY AND DESIGN INFORMATION

Site Address: 206 W. 38<sup>th</sup> Units E + F

Subdivision Name: <u>FAIRVIEW ACRES SUB No 2</u>	Lot: <u>8</u>	Block: <u>H</u>
Tax Parcel Number: <u>R273451190</u>	Zoning: <u>C-2</u>	Total Acres: <u>0.689</u>
Proposed Use: <u>8-2C-45</u>	Floodplain: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

Describe the proposed use: The ARC, INC will use the existing building, units E + F, for sorting, distributing, + warehousing DONATIONS.

Check any that are applicable to this application:  <i>*If any boxes are checked, attach the Design Review Application*</i>	I will build a new structure
	I will add 25% or more to the floor area of an existing building
	I will alter, replace rehabilitate or restore 25% or more of a store façade.

How is the use appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district? This conditional use Application is compatible with mixed uses and Light industrial on both sides of the property. At 204 W. 38<sup>th</sup> + 216 W. 38<sup>th</sup>.

Is the use supported by adequate public facilities or services such as water/sewer, schools, roads, parks, transit, fire protection and police protection?

yes, the Existing Building is connected to GARDEN City SEWER + water. The site is easily Accessible for Police + Fire. Fire Hydrants are Located accross the street, + 100 FT down on the same side of the street.

How does the use affect the health, safety or welfare of the community?

The ARC, INC. is a NONPROFIT that supports disabled person's health, safety, + welfare. There are No Negitive effects.

How does the use support the goals of the Comprehensive Plan?

Existing Building is in the mixed use commercial, designated Area. Property has mixed uses including Residential + small scale industrial.

How far is the proposed use from a pedestrian/bicycle pathway?

The Garden City Greenbelt is 3 minutes via Stockton Street and Orchard. (.09 miles)

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

[Signature] 12/18/15  
Signature of the Applicant (date)

[Signature] 12/18/18  
Signature of the Owner (date)

**APPLICATION INFORMATION REQUIRED**

**NOTE:**

**AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED**

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES**

**ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED:**

- Compliance Statement and Statement of Intent
- Neighborhood Map
- N/A  Will Serve Letter
- 11"x17" Site Plan
- N/A  Irrigation/Ditch Company Authorization Letter
- Photos of Site
- Neighborhood Meeting Verification
- Affidavit of Legal Interest
- N/A  Waiver Request of Application Materials

*\*Additional information may be required by staff such as a traffic/parking analysis, a use analysis or documents related specifically to a business.*



**PLEASE CHECK THE FOLLOWING:**

**INFORMATION REQUIRED ON COMPLIANCE STATEMENT AND STATEMENT OF INTENT:**

- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with
- Should include purpose, scope, and intent of project
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community

**INFORMATION REQUIRED ON NEIGHBORHOOD MAP:**

- 8 1/2" x 11" size minimum
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')
- Impact of the proposed siting on existing buildings, structures, and/or building envelopes

**INFORMATION REQUIRED ON SITE PLAN:**

- Scale not less than 1" = 20', legend, and north arrow.
- Property boundary, dimensions, setbacks and parcel size.
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone
- Building envelope dimensions with the center of the envelope location established in relation to the property lines
- Adjacent public and private street right of way lines
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations

- N/A  For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.

**INFORMATION REQUIRED FOR IRRIGATION/DITCH AUTHORIZATION LETTER:**

- N/A  Required if irrigation canal/irrigation ditch runs through property or along property lines

**INFORMATION FOR NEIGHBORHOOD MEETING VERIFICATION:**

- Copy of notice sent to property owners within 300' of an applicable property
- List of notice recipients with names and addresses
- Sign-up sheet from meeting

**INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:**

- Statement must include a list of the application materials to be waived and an explanation for the request

1/4/19

Will serve wainer

Please waine the will serve letter.  
Property and serves have been in  
existence since 1986 on original building,  
and 1995 on units E + F.

Property is not in an irregation district.

Thank you,

Sincerely,

Sally Seary  
owner property  
206 W. 38<sup>th</sup>

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GARDEN CITY  
DEVELOPMENT SERVICES



4402 Albion Street  
Boise, ID 83705-1324  
[www.thearcinc.org](http://www.thearcinc.org)

Phone: 208.343.5583  
Fax: 208.343.5683  
TDD: 208.343.2880

Bill Rauer  
President

12/18/18

Joe Nelson  
Secretary

City of Garden City, Idaho  
6015 Glenwood Street  
Garden City, ID 83714

Madison Ediger  
Treasurer

Patrick Corcoran  
Trustee

To Whom it May Concern,

Haley Hennessey  
Trustee

The Arc, Inc.; a local nonprofit, is committed to securing for all people with intellectual and developmental disabilities, in partnership with their families, the opportunity to choose and realize their goals of where and how they learn, live, work, and play

Cassie Runyan  
Trustee

We have leased a space located at 206 W. 38<sup>th</sup> St. Unit E and intend to lease unit F in that same building, if permitted. We have applied for a Certificate of Occupancy for Unit E.

The Arc, Inc. collects donations of clothing and household items and sells these items to Savers Thrift stores. This is our only source of significant fundraising. Often these items are not bagged when we pick them up. We also have to dispose of items that are not accepted by the store, broken or on the do not re-sell list.

If approved, our intention is to use Unit E for picking up donations after they have been bagged and sorted in Unit F and deliver to the store.

Thank you for your consideration of this matter.

Sincerely,

Lisa Cahill  
Executive Director

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DEVELOPMENT SERVICES

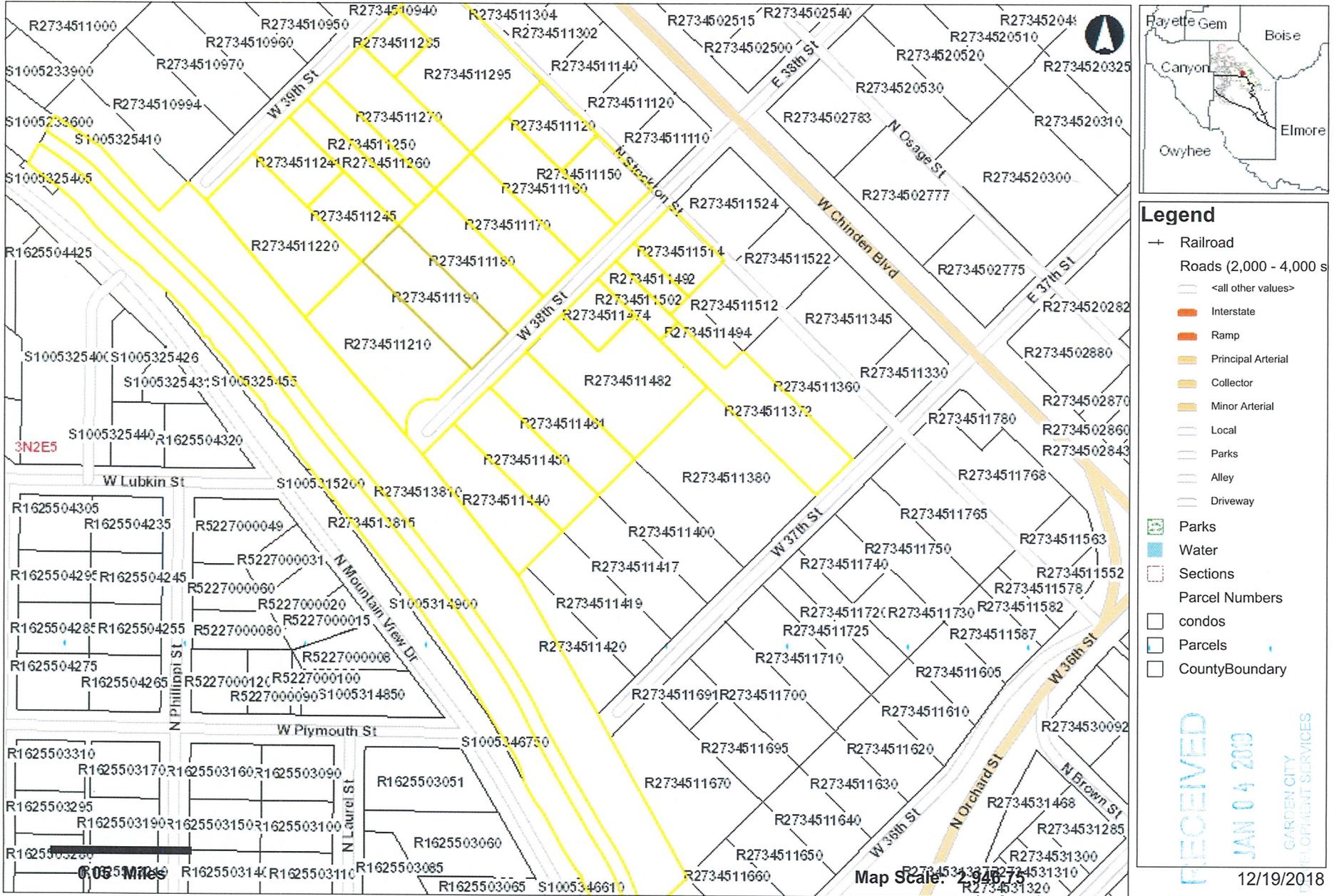


"The Arc, Inc. is committed to securing for all people with intellectual and developmental disabilities, in partnership with their families, the opportunity to choose and realize their goals of where and how they learn, live, work, and play."



# Ada County Assessor

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION OR LEGAL PURPOSES.



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 EMPLOYMENT SERVICES

12/19/2018





4402 Albion Street  
Boise, ID 83705-1324  
[www.thearcinc.org](http://www.thearcinc.org)  
Bill Rauer  
President

Phone: 208.343.5583  
Fax: 208.343.5683  
TDD: 208.343.2880

Joe Nelson  
Secretary

12/18/18  
RE: Neighborhood Meeting

Madison Ediger  
Treasurer

Patrick Corcoran  
Trustee

Dear Neighbors,

Haley Hennessey  
Trustee

The Arc has leased a space located at 206 W. 38<sup>th</sup> St. Unit E and intends to lease unit F in that same building, if permitted. We have applied for a Certificate of Occupancy for Unit E and a Conditional Use Permit for Units E and F.

Cassie Runyan  
Trustee

The Arc, Inc. collects donations of clothing and household items and sells these items to Savers Thrift stores (this is our only source of significant fundraising to help us to provide training and support to people with intellectual and developmental disabilities). Often these items are not bagged when we pick them up. We also have to dispose of items that are not accepted by the store, broken or on the do not re-sell list. The Arc has trucks that pick up the donations from households therefore this will not be a community drop off center.

If approved, our intention is to use Unit E for picking up donations after they have been bagged and sorted in Unit F and deliver to the store.

In order for us to use the space for our intended use, we must hold a public hearing to get feedback from neighbors about the use of this property. This Neighborhood Meeting will be held at our center located at 4402 Albion St. Boise, ID 83705 from 5:30-6:30 pm on January 3<sup>rd</sup>, 2019.

Thank you for your consideration of this matter.

Sincerely,

Lisa Cahill  
Executive Director

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GARDEN CITY  
DEVELOPMENT SERVICES



"The Arc, Inc. is committed to securing for all people with intellectual and developmental disabilities, in partnership with their families, the opportunity to choose and realize their goals of where and how they learn, live, work, and play."



# ADA COUNTY ASSESSOR

190 E. Front Street, Suite 107, Boise, ID 83702

(208) 287-7262 [www.adacountyassessor.org](http://www.adacountyassessor.org)

## RADIUS NOTICE REQUEST FOR ADDRESSES

Idaho Code 9-348(1)(b) prohibits the distribution or sale of mailing lists in order to protect the privacy of taxpayers. However, this list can be provided if you are requesting a list of property addresses to fulfill a requirement required by any statute, ordinance, rule, law or by any governing agency (Idaho Code 9-348(8)).

Please check the purpose below:

- Subdivision
- Conditional Use Permit
- Variance
- Expansion of Extension of a Nonconforming Use
- Zoning Ordinance Map Amendment
- Property Line Adjustment or Lot Split
- Annexation
- Comprehensive Plan Amendments
- Other: \_\_\_\_\_

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 DEC 19 2018  
 ADA COUNTY ASSESSOR  
*MP*

Agency: City of Garden City

Parcel Number or Address of Subject Property:

206 W. 38<sup>th</sup>, Garden City, 83714

Brief Description:

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 GARDEN CITY  
 DEVELOPMENT SERVICES

Applicant:

Name: Sally A. Seary

Address: 6061 W. Tonkin Pl.

City: Boise State: ID Zip: 83704

Telephone: 208-509-9202

Would you like to have the list emailed to you? YES NO

Email address: Salndaveo@gmail.com

Under penalty of perjury, I hereby certify that I will not be using, nor will I allow to be used in any form or manner, the records, documents, or lists obtained from the Ada County Assessor's Office as a mailing or telephone number list for purposes other than listed above.

By: Sally A. Seary Date: 12/19/18

PARCEL	PRIMOWNER	ADDCONCAT	STATCONCAT
R2734511160	BICKFORD E DEAN	112 W 38TH ST	BOISE, ID 83714-0000
R2734511180	BERGER LIVING TRUST	9342 MALAHINE DR	HUNTINGTON BEACH, CA 92646-7946
R2734511190	O'LEARY SALLY A	PO BOX 9263	BOISE, ID 83707-0000
R2734511450	NEVERS KRISTY	12366 W CLOVER MEADOWS	BOISE, ID 83713-0000
R2734511474	LYON PROPERTIES LLC	PO BOX 6620	BOISE, ID 83707-0000
R2734511170	MIKE & VALLI TRUST	9342 MALAHINE DR	HUNTINGTON BEACH, CA 92646-0000
R2734511241	SHADLEY MILES L JR	207 W 39TH ST	GARDEN CITY, ID 83714-6405
R2734511270	BROWN JOHN A	201 W 39TH ST	GARDEN CITY, ID 83714-0000
R2734511372	GSW ENTERPRISES LLC	108 W 37TH ST	GARDEN CITY, ID 83714-0000
R2734511461	GARDEN CITY BOYS LLC	13599 W ENGELMANN DR	BOISE, ID 83713-0000
R2734511220	ANDERSON RICK J	10110 W ESHELMAN ST	BOISE, ID 83704-0000
R2734511250	SHADLEY M L	207 W 39TH ST	BOISE, ID 83714-6405
R2734511482	LYON PROPERTIES LLC	PO BOX 6620	BOISE, ID 83707-0000
R2734511514	MARCH HOLDINGS LLC	PO BOX 832	MCCALL, ID 83638-0832
R2734511285	39TH STREET PARK LLC	PO BOX 44273	BOISE, ID 83711-0000
R2734511295	39TH STREET PARK LLC	PO BOX 44273	BOISE, ID 83711-0000
R2734511492	MARCH HOLDINGS LLC	PO BOX 832	MCCALL, ID 83638-0832
R2734513810	SETTLERS IRRIGATION DISTRICT	PO BOX 7571	BOISE, ID 83707-1571
R2734513815	SETTLERS IRRIGATION DISTRICT	PO BOX 7571	BOISE, ID 83707-1571
R2734511120	VERITAS PROPERTIES LLC	2615 W REBECCA WAY	MERIDIAN, ID 83646-0000
R2734511150	PROPERTIES 4 HIM LLC	6633 W WRIGHT ST	BOISE, ID 83709-0000
R2734511210	BARTOCCINI RICHARD & JUDI REVOCABLE FAMILY T	250 S 5TH ST FL 2	BOISE, ID 83702-0000
R2734511245	SHADLEY MILES L JR	207 W 39TH ST	GARDEN CITY, ID 83714-6405
R2734511260	SHADLEY RUTH KOUBA	207 W 39TH ST	BOISE, ID 83714-6405
R2734511440	JOHNSON KENT B	219 MURRAY ST	BOISE, ID 83714-0000
R2734511502	LANDON WILLIAM H JR	8518 W THUNDER MOUNTAIN DR	BOISE, ID 83709-0000

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BOISE, ID 83711-0000

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250 S 5TH ST FL 2  
BOISE, ID 83702-0000

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GARDEN CITY, ID 83714-6405

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BOISE, ID 83714-6405

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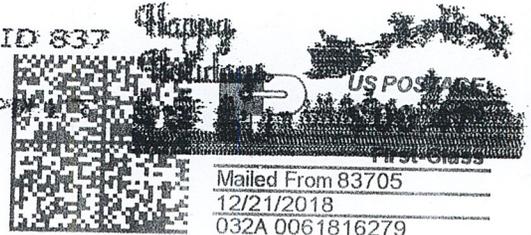
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BOISE, ID 83709-0000

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DEVELOPMENT SERVICES

Arc of Idaho  
4402 Albion Street  
Boise, Idaho 83705-1324

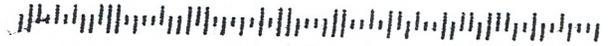
BOISE ID 837

21 DEC 2018 P



O'LEARY SALLY A  
PO BOX 9263  
BOISE, ID 83707-0000

837073263



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**JAN 04 2019**  
GARDEN CITY  
DEVELOPMENT SERVICES







# city of Garden City

201 East 50th Garden City, ID 83714-1499  
Phone: (208) 377-1831 • Fax: (208) 377-2820

## BUILDING PERMIT APPLICATION

DATE: FEB. 13, 1995

OWNER: BUD DOERING PHONE 343-7429  
BUILDER: DOERING CONSTRUCTION PHONE 343-7429  
ARCHITECT: \_\_\_\_\_ PHONE \_\_\_\_\_

LEGAL DESCRIPTION: LOT 8 BLOCK H SUBDIVISION FAIRVIEW ACRES #2  
STREET ADDRESS 206 W. 38th ST.

Description of Work: New Remodel  Addition Repair Demolish Other  
Residence Commercial Gov't Religious Sign Patio Garage  Storage Fence

STORIES: 1 LIVING AREA: \_\_\_\_\_ GARAGE: \_\_\_\_\_ LOT AREA: \_\_\_\_\_  
*→ WAREHOUSE*

PROJECT VALUE: \$ 84,000

This permit is subject to the regulations contained in the building code, zoning regulations, and all applicable codes and ordinances. It is hereby agreed that the work will be done in accordance with the plans and specifications and in compliance with all applicable codes and ordinances. The issuance of this permit does not waive restrictive covenants.

APPLICANT'S SIGNATURE: *Bud Doering*

WATER HOOK-ON \_\_\_\_\_ INSTALLATION FEE \_\_\_\_\_  
METER DEPOSIT \_\_\_\_\_ SEWER HOOK-ON \_\_\_\_\_  
PERMIT FEE \_\_\_\_\_ TOTAL PAID \_\_\_\_\_

APPROVED BY \_\_\_\_\_ PERMIT NUMBER \_\_\_\_\_

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JAN 04 2019

GARDEN CITY  
DEVELOPMENT SERVICES

Check the appropriate sections below based on your intended use of the subject property. Use your best judgment. If you are unsure of the need for any of the following, staff will notify you of such requirement after reviewing the information which you submit pursuant to the instructions above:

**Licenses**

- Adult Bus
- Amusement Pk
- Beer
- Billiard Hall
- Card Room
- Carnival
- Circus
- Dance Hall, Public Dance
- Eating/Drinking Est.
- Kennel
- Liquor
- Massage, Massage Est.
- Menagerie
- Motor Coach Park
- Patrol Service, Private
- Pawnbroker
- Secondhand Dealer
- Taxicab Business
- Wine

**Permits**

- Burn
- Call Box Stand
- Cond./Special Use
- X-Connect Installation
- Fld Pla Dvlpmt
- Liq. Catering
- Liq. Sale Outdoor
- Mobile Home Park
- Oil Refining
- Pvt. Disposal
- P.U.D.
- Sign, Special
- Transport Over Public Way
- Wine Sale, Outdoor
- Wood Stove

**Certificates**

- Bldg. Occupancy
- Building, Temp. Occup.
- Sbdvsn, Segregation Plat
- Zoning, Temp. Occup.

**Applications**

- Annexation
- Appeal
- Com. Plan, Amend.
- Design Review
- Final Plat
- Prelim. Plat
- Re-zone
- Variance

Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I consent to the submission of this application and hereby certify that information accompanying this correct to the best of my knowledge.

Paul Seering      3/20/95      Paul Seering      3/20/95  
 Signature (Owner of Record)      DATE      Signature (Applicant)      DATE

(For official use only below this line)

\_\_\_\_\_  
Zoning Administrator Acceptance      DATE

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GARDEN CITY  
DEVELOPMENT SERVICES

Rev. 4/20/92

P.O. No.	Terms	Project
38st st 83714	Due on receipt	206 W 38th St 83714

Quantity	Description	Rate	Amount
	Sprinkler system blown out and winterized 206 W 38th St 83714 3 zones, City, PVB siphon,  Sprinkler system to be blown out between 10/9 to 10/11  <i>C+C Sprinklers</i> <i>ck # 2108</i> <i>10/3/18</i> <i>Receipt</i>	35.00	35.00

Thank you for your business.  
208-853-0188

**Total** \$35.00

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**JAN 04 2019**  
 GARDEN CITY  
 DEVELOPMENT SERVICES



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

February 4, 2019

Garden City Development Services Division  
6015 Glenwood Street  
Garden City, ID 83714

**VIA EMAIL**

<b>Development Application</b>	<b>CUPFY2019-1</b>
<b>Project Name</b>	<b>THE ARC, INC WAREHOUSE</b>
<b>Project Location</b>	206 West 38 <sup>th</sup> Street Unit E & F, south of US-2026 milepost 46.38
<b>Project Description</b>	Establishment of a warehouse, storage and wholesale facility
<b>Applicant</b>	Lisa Cahill, The Arc, Inc.

The Idaho Transportation Department (ITD) reviewed the referenced conditional use permit application and has the following comments:

1. This project does not abut the State highway system.
2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
3. Idaho Administrative Procedures Act (IDAPA) 39.03.60 rules govern advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
4. ITD does not object to a conditional use permit as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona  
Development Services  
[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)

---



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: January 18, 2019  
Agency Requesting Comments: Garden City  
Date Request Received: January 10, 2019  
Applicant/Description: The Arc Inc. CUPFY2019-1

*Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.*

*The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:*

### **1. Air Quality**

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

*All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects*

*require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one*

acre, a stormwater permit from EPA may be required.

- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

*For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.*

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- **Water Quality Standards.** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

*Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.*

- **Ground Water Contamination.** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in*

*accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”*

- *DEQ recommends the facility develop a procedure to prevent acceptance of hazardous materials and a plan to properly dispose of hazardous material the facility unknowingly receives.*

*For questions, contact Albert Crawshaw, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.*

Sincerely,



Aaron Scheff  
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Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

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